IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO. 426 OF 2005

Samruddhi Prakash Nakhava .. Petitioner

V/s

State of Maharashtra & Ors. .. Respondents

Mr.R.K. Mendadkar with Ms.Helen Koli - Mandlik for the Petitioner.

Mr.P.M. Mokashi, A.G.P. for Respondents Nos.1 and 2.

CORAM : H.L. GOKHALE &
S.C. DHARMADHIKARI, JJ.

DATE : 22ND FEBRUARY 2005

P.C. :

1. Heard Mr.Mendadkar for the Petitioner and Mr.Mokashi, A.G.P. for Respondents Nos.1 and 2.

2. The Petitioner belongs to the Koli Community and she has filed this petition praying that a separate reservation of 2% be carved out for the Special Backward Class.

3. An earlier Resolution of the State Government dated 13th June 1995 is annexed to this petition wherein various communities are listed which fall in the category of Special Backward Class. Mr.Mendadkar submits that for certain other educational purposes such as D.Ed., the Special Backward Class is given a separate 2% reservation apart from 17% reserved for O.B.C. Those

instructions are annexed at Exhibit-E to this petition. On a similar footing, therefore, a separate quota of 2% is sought in the Medical Entrance Examination.

4. We have seen the reservation provided for the Medical Entrance Examination. There, the O.B.Cs. are provided a quota of 19% and in a note at the bottom of the concerned provision, it has been stated that the persons belonging to Special Backward Class are to be considered as O.B.C. candidates. This being so, the Special Backward Class, which was otherwise in a position to claim only 2% seats, can go into a group which has 19% reservation. Mr.Mendadkar states that it does not help because the students from the Special Backward Class do not get sufficient marks to compete with O.B.C. candidates. However, it is a matter of policy and it is for the State Government to decide. It will be open to the concerned organisations of the Special Backward Class, if they deem it fit, to represent to the State Government. It is not a matter wherein the court can interfere since it is a matter of policy. Petition is dismissed.

(H.L. GOKHALE, J.)

(S.C. DHARMADHIKARI, J.)